

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2012-0065 Austin Vintage Guitars

**P. C. DATE:** 07/24/12

**ADDRESS:** 4306 Red River

**AREA:** 0.335 acres

**APPLICANT:** Paula Green

**AGENT:** Robin McCall Co. (Robin McCall)

**NHOOD PLAN AREA:** Central Austin Combined

**CAPITOL VIEW:** No

**T.I.A.:** Waived – See the Transportation  
Reviewer's comments.

**HILL COUNTRY ROADWAY:** No

**WATERSHED:** Waller Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**ZONING FROM:** LO-MU-NP, Limited Office, Mixed Use, Neighborhood Plan.

**ZONING TO:** LR-MU-NP, Neighborhood Commercial, Mixed Use, Neighborhood Plan.

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends LR-MU-CO-NP, Neighborhood Commercial, Mixed Use Conditional Overlay, Neighborhood Plan. The Conditional Overlay would prohibit the following uses: Alternative Financial Services, Consumer Convenience Services, Communication Services Facilities, Communications Services, Counseling Services, Financial Services, Food Sales, Local Utility Services, Off Site Accessory Parking, Personal Improvement Services, Pet Service, Plant Nursery, Printing and Publishing, Restaurant (limited), Restaurant (General), Safety Services, Service Station, Urban Farm, Community Recreation, Club/Lodge, Custom Manufacturing, College and University Facilities, Community Events, Community Recreation (Private), Community Recreation (Public), Guidance Services, Hospital Services (Limited), Residential Treatment and make the following conditional uses: Special Use Historic, Community Garden, Congregate Living, Day Care Services (General), Day Care Services (Commercial), Family Home, Bed & Breakfast (Group 1), Bed & Breakfast (Group 2), Medical Offices - exceeding 5000 sq. ft. gross floor area, Medical Offices - not exceeding 5000 sq. ft. gross floor area.

### **PLANNING COMMISSION RECOMMENDATION:**

The motion to approve staff's recommendation for LR-MU-CO-NP district zoning, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Jean Stevens seconded the motion on a vote of 7-0; Commissioner Richard Hatfield was absent, 1 vacancy on the commission.

### **DEPARTMENT COMMENTS:**

The site is currently developed with a one story building and associated parking. The property was formerly a beauty salon. The prospective buyers have indicated that they would like to open a guitar shop on the premises. The current zoning on the property is for an office use. The proposed new use is a commercial use and would need a zone change as well as a Neighborhood Plan Amendment. The applicant met with the Hancock Neighborhood and the Central Austin Neighborhood Planning Advisory Committee (CANPAC). Both the Hancock Neighborhood and CANPAC supported an out of cycle Neighborhood Plan Amendment application as well as support for the zone change request with conditions. The applicant is in agreement with those conditions, which prohibits certain uses and makes other uses "conditional uses". See attached emails from the neighborhood.

**BASIS FOR RECOMMENDATION:**

*1. Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

Granting the requested zone change to LR-CO-NP is will not be a detriment to the neighborhood and the property has been used as a commercial use in the past.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<b>SITE</b>	LO-MU-NP	Vacant building
<b>NORTH</b>	SF-3-CO-NP	Single family
<b>SOUTH</b>	LO-MU-NP	Multifamily
<b>EAST</b>	SF-3-CO-NP	Undeveloped
<b>WEST</b>	MF-2-NP	Multifamily

**CASE HISTORIES:**

<b>CASE NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-08-0071	From CS-NP to CS-1-CO-NP	Approved CS-1-CO-NP [Vote: 7-0]	Approved CS-1-CO-NP [Vote: 7-0]

**NEIGHBORHOOD ORGANIZATION:**

- North Austin Neighborhood Alliance
- Perry Neighborhood Assoc.
- Austin Neighborhoods Council
- Hancock Neighborhood Assn.

**SCHOOLS:**

Lee Elementary School, Kealing Middle School, McCallum High School

**SITE PLAN:**

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted. The site is subject to compatibility standards.

Along the north, west, and east property lines, the following standards apply:

- \*No structure may be built within 25 feet of the property line.
- \*No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- \*No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- \*No parking or driveways are allowed within 25 feet of the property line.
- \* In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

## **TRANSPORTATION:**

TR1: No additional right-of-way is required.

TR2: A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

TR3: Red River Street is classified in the Bicycle Plan as Bike Route No. 51.

TR4: Capital Metro bus service (Routes No. 10, 338, 653, and 684) is available along Red River Street.

TR5: There are existing sidewalks along Red River Street.

TR6: Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
Red River Street	Varies	Varies	Collector	3,130

## **ENVIRONMENTAL:**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to floodplain maps there is no floodplain within the project area.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

**CITY COUNCIL DATE:** August 16<sup>th</sup>, 2012

**ACTION:**

**ORDINANCE READINGS:** 1<sup>ST</sup> 2<sup>ND</sup> 3<sup>RD</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Clark Patterson  
[Clark.patterson@ci.austin.tx.us](mailto:Clark.patterson@ci.austin.tx.us)

**PHONE:** 974-7691





SUBJECT  
TRACT





Google earth

feet 10  
meters 3



**Patterson, Clark**

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**From:** Meredith, Maureen  
**Sent:** Monday, July 09, 2012 11:50 AM  
**To:** Mark Burch  
**Cc:** Bart Whatley; Patterson, Clark  
**Subject:** RE: 4306 Red River

Thanks, Mark.

I forwarded this to the zoning planner, Clark Patterson.

Maureen

-----Original Message-----

**From:** Mark Burch [mailto:[mark.burch@hna.com](mailto:mark.burch@hna.com)]  
**Sent:** Monday, July 09, 2012 11:48 AM  
**To:** Meredith, Maureen  
**Cc:** Bart Whatley  
**Subject:** 4306 Red River

Maureen,

HNA's CANPAC reps notified us of tonight's meeting concerning a FLUM change for 4306 Red River. I will be at the meeting, but I wanted to give you a heads-up on some zoning change details you may not have yet heard. Almost all of these were discussed with the potential purchasers (we missed a few by accident), and I don't think they have any objections.

Basically, approval of the FLUM and zoning change is based on these allowed, proposed, and prohibited uses:

**Allowed uses**

COMMERCIAL Administrative and Business Offices COMMERCIAL Consumer Repair Services  
COMMERCIAL Personal Services COMMERCIAL Professional Office  
COMMERCIAL Software Development CIVIC Cultural Services CIVIC Day Care Services  
(Limited) CIVIC Private Primary Educational Facilities CIVIC Private Secondary Educational  
Facilities CIVIC Public Primary Educational Facilities CIVIC Public Secondary Educational  
Facilities CIVIC Religious Assembly

Conditional uses (most are allowed in the LR base) RESIDENTIAL Bed & Breakfast (Group 1)  
RESIDENTIAL Bed & Breakfast (Group 2) COMMERCIAL Medical Offices exceeding 5000  
sq. ft. gross floor area COMMERCIAL Medical Offices not exceeding 5000 sq. ft. gross floor  
area CIVIC Day Care Services (Commercial) CIVIC Day Care Services (General)

CIVIC Family Home CIVIC Group Home, Class I (General) CIVIC Group Home, Class I  
(Limited) CIVIC Group Home, Class II

Prohibited uses

COMMERCIAL Consumer Convenience Services COMMERCIAL Financial Services  
COMMERCIAL Food Sales COMMERCIAL Off-Site Accessory Parking COMMERCIAL Pet  
Services COMMERCIAL Restaurant (General) COMMERCIAL Restaurant (Limited)  
COMMERCIAL Service Station AGRICULTURAL Urban Farm CIVIC Club or  
Lodge CIVIC Communication Service Facilities CIVIC Counseling Services  
CIVIC Local Utility Services CIVIC Safety Services  
CIVIC Telecommunication Tower

I don't think the City staff will have any problems with these items, but I wanted to confirm that we could make the "Group Home" uses conditional. My recollection from the neighborhood plan is that some uses can't be disallowed, so I wanted to make sure we addressed those situations before we get too far along.

Please let me know if you have questions or need additional information.

Mark,



## **Patterson, Clark**

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**From:** Mark Burch <mburch@johnc.com>  
**Sent:** Tuesday, July 17, 2012 11:13 AM  
**To:** Meredith, Maureen; ted@honda.com; adam.stephens@earthlink.net; [redacted]; [redacted]  
**Cc:** Steven Fulton; Robin; Patterson, Clark  
**Subject:** Re: NPA-2012-0019.04 - 4306 Red River,

Maureen,

The list I sent Clark last week includes these additional zoning overlays in addition to the ones specified in the CANPAC note --

Additional conditional uses:

Special Use Historic C  
Community Garden C  
Congregate Living C  
Day Care Services (General) C  
Family Home C

Additional prohibited uses:

Alternative Financial Services  
Food Sales  
Personal Improvement Services  
Plant Nursery  
Printing and Publishing  
Custom Manufacturing  
College and University Facilities  
Community Events  
Community Recreation (Private)  
Community Recreation (Public)  
Guidance Services  
Hospital Services (Limited)  
Residential Treatment  
Telecommunication Tower

Hancock's regular meeting is tomorrow night. A motion reflecting the list I sent Clark will come up at it.

Please let me know if you have questions.

Mark

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**From:** "Meredith, Maureen" <Maureen.Meredith@austintexas.gov>  
**To:** tedandrona@hotmail.com; adam.stephens@earthlink.net; [redacted]; [redacted]; Mark Burch <mburch@johnc.com>  
**Cc:** Steven Fulton; Robin; Robin@robinmccallcompany.com; "Patterson, Clark" <Clark.Patterson@austintexas.gov>

**Sent:** Tuesday, July 17, 2012 10:47 AM  
**Subject:** NPA-2012-0019.04 - 4306 Red River,

Hi, Mark, Nuria, Michael, Adam and Bart:  
I'm preparing my case report for this case which is due tomorrow at 4:30 p.m. I wanted to add the CANPAC letter below to my case report to show CANPAC and Hancock support.

Please let me know if you would like to make changes to this letter.

Thanks.

Maureen

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**From:** Nuria Zaragoza [mailto:nuriazaragoza@hotmail.com]  
**Sent:** Tuesday, June 12, 2012 10:54 AM  
**To:** Hirsch, Michael L.  
**Cc:** Adam Stephens; Bart Whatley; Robin  
**Subject:** 4306 Red River, Out of cycle plan amendment

Dear Mr. Guernsey,

I write this letter to you as Co-chair of CANPAC (Central Austin Combined Neighborhood planning Area) to support an out of cycle plan amendment submittal for 4306 Red River.

CANPAC votes to support Hancock in their position: Motion passed (unanimous): Zoning Committee finds no objections to an out of cycle plan amendment and further wishes to recommend that the neighborhood association require a Conditional Overlay to the sought LR zoning to alter allowed uses as follows: Conditional uses: Bed & breakfast, day care services commercial, group home, medical office; Uses not allowed: Communication services facilities, communications services, consumer convenience services, counseling services, financial services, local utility services, off site accessory parking, pet services, restaurant, safety services, service station, urban farm, detention, community recreation, club/lodge.

Sincerely,

Nuria Zaragoza  
Co-Chair CANPAC

Sent from my iPhone

On Jun 12, 2012, at 9:25 AM, "Hirsch, Michael L." <m[REDACTED]> wrote:

Hey All!

Adam and Nuria,

I hope you've been able to send the email forward to let the city know we're supportive of this out of cycle request.

Am enjoying cool Portland!

Mike Hirsch

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**From:** Adam Stephens [redacted]  
**Sent:** Monday, June 11, 2012 5:39 PM  
**To:** 'Bart Whatley'; Nuria Zaragoza  
**Cc:** Hirsch, Michael L.; Robin  
**Subject:** RE: Plan Amendment Request- Hancock- 4306 Red River

Bart,

Is my memory correct that a letter from CANPAC supporting the below out of cycle planning amendment is what is needed? Is an email to the agent stating CANPAC support sufficient?

Adam

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**From:** Bart Whatley [redacted]  
**Sent:** Saturday, June 09, 2012 6:41 PM  
**To:** Adam Stephens; Nuria Zaragoza  
**Cc:** Mike Hirsch; Robin; a [redacted]  
**Subject:** Plan Amendment Request- Hancock- 4306 Red River

To: CANPAC (Chairs: Adam Stephens, Nuria Zaragoza)  
Cc: Mike Hirsch, Hancock Neighborhood Association President  
Robin McCall, agent for 4306 Red River and buyer Austin Vintage Guitars  
From: Bart Whatley, Hancock Zoning Committee Chair

Adam & Nuria,

In Hancock's May general meeting the neighborhood voted to recommend allowing an out of cycle plan amendment for 4306 Red River, if objections were not raised by the zoning committee in a follow up meeting. The Hancock Zoning Committee met 6-6-2012 and found no objections to the request, as indicated below in the committee meeting summary.

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**HANCOCK NEIGHBORHOOD ASSOCIATION**  
**ZONING COMMITTEE NOTES (for the 4306 Red River agenda item)**  
**6-6-2012**  
Bart Whatley, author

2. 4306 Red River request to change zoning from LO to LR and amend the Neighborhood Plan Land Use from Mixed Use Office to Neighborhood Mixed Use to operate Austin Vintage Guitars at the location that has previously been a beauty parlor.
  - 2.1. The neighborhood heard from this applicant in a recent meeting and the neighborhood was in favor of the out of cycle neighborhood plan amendment if no objections were raised in this zoning committee meeting regarding the plan amendment. Current zoning does not allow for Consumer Repair Services use that is required to operate this business.
  - 2.2. The potential owner and operator of the guitar business plans to remove the garage apartment and add a second story to the existing front building. Tuning room will be soundproofed.
  - 2.3. Motion passed (unanimous): Zoning Committee finds no objections to an out of cycle plan amendment and further wishes to recommend that the neighborhood association require a Conditional Overlay to the sought LR zoning to alter allowed uses



as follows: Conditional uses: Bed & breakfast, day care services commercial, group home, medical office; Uses not allowed: Communication services facilities, communications services, consumer convenience services, counseling services, financial services, local utility services, off site accessory parking, pet services, restaurant, safety services, service station, urban farm, detention, community recreation, club/lodge.

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